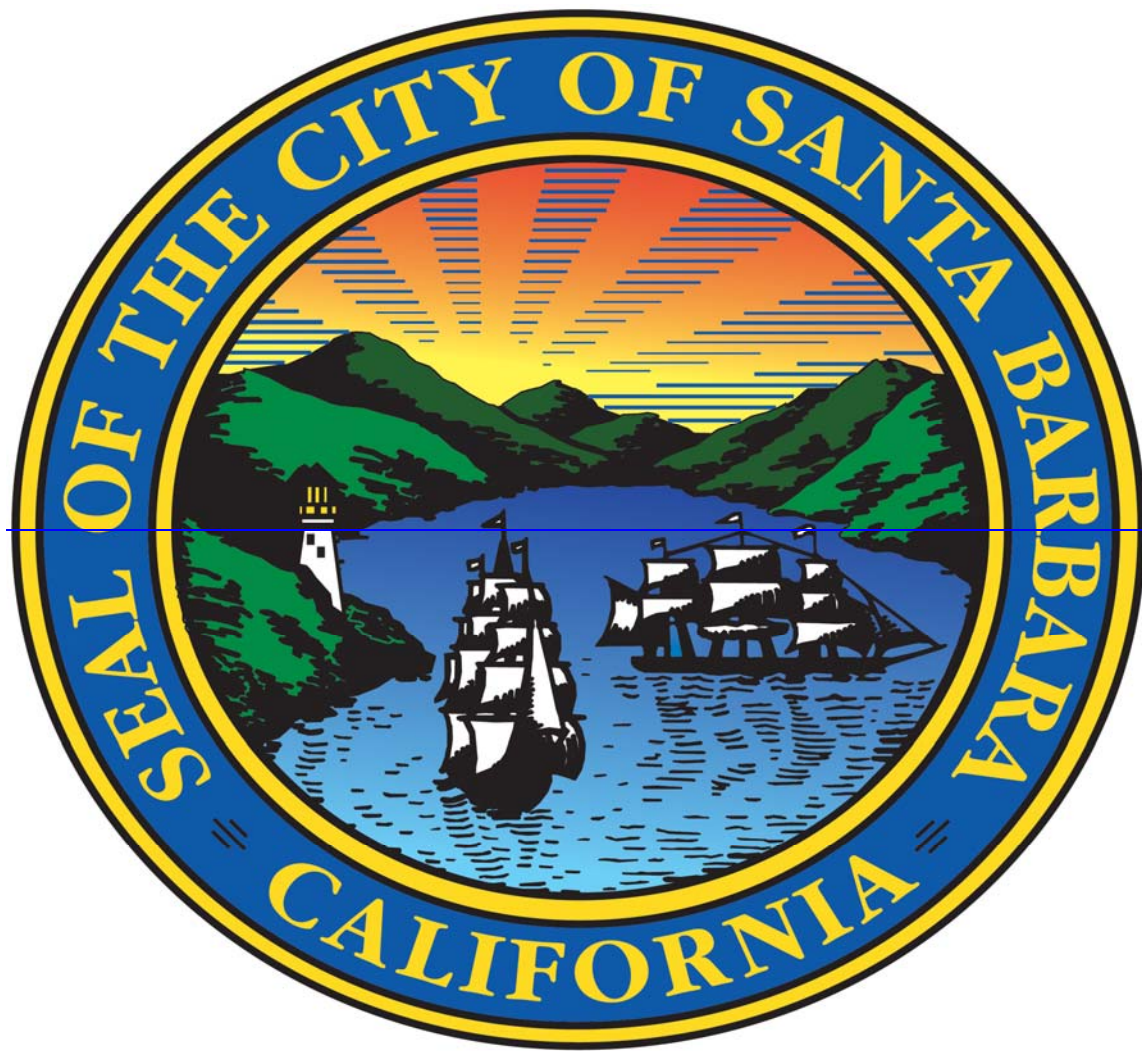


City of Santa Barbara Pretreatment Program
Enforcement Response Plan



City of Santa Barbara Environmental Control Enforcement Response Plan

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City of Santa Barbara Pretreatment Program

Enforcement Response Plan

PURPOSE

This Enforcement Response Plan (ERP) was adopted pursuant to the Federal Water Pollution Control Act as amended by the Clean Water Act of 1977, and subsequently. The Code of Federal Regulations (CFR), Title 40 Protection of The Environment, codifies ~~the~~ general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government.

These laws and rules, specifically 40 CFR Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution were designed to establish responsibilities of industry and government to protect water quality by implementing National Pretreatment Standards. Section 40 CFR Part 403.8(f)(5) of the CFR requires that Publicly-Owned Treatment Works -(POTW) ~~to~~ develop and implement an Enforcement Response Plan to investigate and respond to instances of industrial user noncompliance. This ERP ~~is a detailed details the~~ enforcement ~~procedure that~~ procedures and lists key steps necessary to assure that wastewater discharges maintain compliance with all local, state and federal limitations.

ENFORCEMENT LEGAL AUTHORITY

ENFORCEMENT LEGAL AUTHORITY

The City of Santa Barbara (City) is required under ~~federal~~ Federal law to have a pretreatment program. The City of Santa Barbara Municipal Code, Title 16 (Sewer System) ~~of the Municipal Code of the City of Santa Barbara~~ provides the standards and the legal authority for enforcement of the pretreatment program. ~~It provides a as well as the~~ detailed ~~procedure~~ procedures for ~~implementation of implementing~~ 40 CFR 403.8(f)(1) and 403.8(f)(2)), which create pretreatment standards. ~~That chapter Title 16 also~~ includes detailed administrative enforcement procedures and civil and criminal penalties for violations. ~~The Wastewater Superintendent exercises the authority of the Director of Public Works Department in the implementation of the Enforcement Response Plan.~~

Under ~~the plan,~~ Water Resources Specialist (also known as Environmental Control Inspector) this ERP, the Pretreatment Program Coordinator is responsible for full implementation of ~~the~~ inspection and documentation activities leading to the activation of penalties for ~~non-compliance.~~ noncompliance. The primary responsibilities of

City of Santa Barbara ~~Environmental Control~~

Pretreatment Program Enforcement Response Plan

~~Environmental Control Inspector~~Pretreatment Program Coordinator, however, are to monitor, coordinate and maintain the processes necessary for regulated entities to comply fully with the ~~City of Santa Barbara's~~City's wastewater ordinances ~~on wastewater.~~

~~The~~This ERP ~~makes~~includes a wide range of enforcement options available based on an assessment of the nature and severity of the violation. Along with departmental enforcement officials, the City Attorney will enforce applicable ~~municipal code~~City of Santa Barbara Municipal Code requirements, including court action if required. Specific enforcement tools and their anticipated uses are detailed ~~under in the~~ Enforcement Procedures, ~~later in the~~ section of this ERP. A checklist of the specific legal authority for specific aspects of the pretreatment program is included within the City of Santa Barbara Municipal Code ~~at~~as the Sewer Use Ordinance.

Pretreatment Program Enforcement Response Plan

INTRODUCTION

The ~~Enforcement Response Plan (ERP)~~ outlines the procedures followed by Pretreatment Program staff and management to identify, document, and respond to pretreatment violations. Incorporated into the ERP are specific criteria by which Pretreatment Program staff can determine the enforcement action most appropriate to the nature of the violation. In addition, ~~the~~this ERP describes the duties of the ~~Environmental Control Inspector;~~Pretreatment Program staff, methods used to determine compliance with applicable regulations; and procedures to review compliance data. This ERP also includes the Enforcement Response Guide (ERG), which is a table referencing the degree of noncompliance with the range of enforcement responses that can be taken.

~~The Enforcement Response Guide (ERG) is a table referencing the degree of noncompliance with the type of enforcement response to be taken. The ERG lists the most common types of non-compliance and enforcement action taken.~~ This ERP has been prepared by following ~~EPA's~~USEPA's *Guidance for Developing Control Authority Enforcement Response Plans*. (ERP Guidance). The ERP is organized into the following sections:

- Definitions;
- ERP activation;
- File review and enforcement analysis;
- Enforcement procedures;
- Enforcement duties; and
- Enforcement Response Guide.

Pretreatment Program Enforcement Response Plan

DEFINITIONS

Administrative Citations: Enforcement actions, which assess monetary penalties for ~~non-compliance.~~ noncompliance.

Administrative Orders: Enforcement documents, which direct ~~Industrial~~ Users to undertake or to cease, specified activities. Administrative Orders may incorporate compliance schedules, timeframes, administrative penalties, and termination of service orders. Administrative Orders include: ~~Finding of Non-compliance – a written notice instructing the Industrial User to identify and correct causes of non-compliance.~~

- ~~Finding of Noncompliance~~ – a written notice instructing the User to identify and correct causes of noncompliance.
- ~~Consent Order~~ – documents ~~non-compliance~~ noncompliance and includes actions required to be accomplished by specific dates. Consent Orders are developed during Compliance Meetings and both parties agree to terms.
- ~~Show Cause Order~~ – directs the User to appear before the City to explain its noncompliance and show cause why more severe enforcement actions against the User should not go forward.
- ~~Compliance Order~~ – directs the ~~Industrial~~ User to achieve or restore compliance by a date specified in the order. A Compliance Order is often a stipulated agreement that may include a compliance schedule, the payment of monetary penalties, or cost recovery for and the imposition of fines when milestones are not met.
- ~~Cease and Desist Order~~ – directs a ~~non-compliant user~~ User to cease illegal or unauthorized discharges immediately or to terminate discharge altogether.
- ~~Termination of Service or Permit Revocation~~ – a notice delivered to ~~an Industrial~~ User serving notification of the intent to revoke the ~~Industrial~~ User's Wastewater Discharge Permit or the termination of service.

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Approved Laboratory: A laboratory whose analytical procedures are approved and certified by ELAP (State of California); NELAC (National) or equivalent organization for the methods and matrix being reviewed.

Best Management Practices (BMP): The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Civil Action: An order, hearing, or other action by the presiding court. Such orders may include penalties.

Commercial Users: Users which, in the process of providing goods or services, produce wastewater which contains metals, solvents or other pollutants of concern. These Users differ from IUs by the volume of waste which they produce. Generally Commercial Users produce less than 50 gallons of process wastewater each day. These Users are monitored annually. Typical businesses in this category include photo processors, and doctors' and dentists' offices.

Compliance Inspection: An inspection to determine compliance status and to identify practices, which may lead to ~~non-compliance~~noncompliance. Compliance inspections are normally not scheduled.

Compliance Meeting: A meeting with the ~~Industrial~~User to discuss the causes of ~~non-compliance~~noncompliance, corrective actions to achieve compliance, and ~~time frames a~~schedule for ~~the~~ implementation of corrective actions.

Compliance Schedule: A ~~timetable~~timeline for ~~the~~ implementation of corrective actions by ~~an Industrial~~a User in order to achieve consistent compliance.

Pretreatment Program Enforcement Response Plan

Consistent Compliance: No more than one parameter in violation and that value was less than twice the most stringent limit. Additionally, within thirty (30) days of the ~~Industrial User-City~~ becoming aware of an ~~accidenceincident~~ or having been notified of the violation, the ~~IUCity~~ performs repeat sampling and analysis of the parameter, and the ~~Industrial~~ User has identified and corrected the cause of the violation and verified this through testing for that parameter.

Conventional Pollutant: Any pollutant listed in 40 CFR Part 401.16 "Conventional Pollutants". This section lists the five conventional pollutants as: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), pH, fecal coliform, and oil and grease.

Criminal Action: Similar to civil action, but the charges are for criminal neglect that may include fines and or penalties.

Fines: Monetary penalties imposed by the court or by the City for violation of discharge regulations.

Inconsistent Compliance: More than one parameter in violation, or any one parameter in violation, that exceeded twice the most stringent limit and within thirty (30) days of the date the ~~Industrial User-City~~ becomes aware of the violation, the ~~Industrial User-City~~ has been re-sampled, found to be in compliance and does not fall within the significant ~~non-compliance~~noncompliance classification.

Best Management Practices (BMP), ~~which the City determines will adversely affect the operation or implementation of the Pretreatment program.~~ When any action by the ~~Industrial User~~ meets one or more of the criteria for Significant Non-compliance (SNC), the ~~Industrial User~~ shall will be designated as SNC, and reported in the Semiannual and Annual Pretreatment Program reports, and published in the newspaper annually.

Conventional Pollutant: ~~Any of the pollutants listed under 40 CFR 401.16 "Conventional Pollutants." This section lists the five conventional pollutants as: Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), pH, fecal coli form, and oil and grease.~~

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DEFINITIONS Cont.

Significant Non-Compliance (SNC): ~~Significant non-compliance (as defined in 40 CFR 403.8(f)(2)(viii)), is a compliance status in which one or more of the following is found:~~

- ~~(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);~~
- ~~(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TOC, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);~~
- ~~(C) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of WWTF and WW Mains personnel or the general public);~~

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- ~~(D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority at 40CFR 403.8 (f) (1)(vi)(B) to halt or prevent such a discharge;~~
- ~~(E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;~~
- ~~(F) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports (BMR), 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~
- ~~(G) Failure to accurately report noncompliance;~~
- ~~(H) Any other violation or group of violations, which may include a violation of~~

~~**Criminal Action:** Similar to civil action, but the charges are for criminal neglect that may include fines and or penalties.~~

~~**Fines:** Monetary penalties imposed by the court or by the City for violation of discharge regulations.~~

~~**Industrial User (IU):** Any non-residential user that discharges. Any source of industrial wastes that discharge to the sanitary sewer system.~~

DEFINITIONS Cont.

Pretreatment Program Enforcement Response Plan

Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - 1) ~~Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and~~
 - 2) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including ~~title~~ Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

Notice of Violation (NOV): An official notice that a violation of discharge regulations has occurred. A written response to the ~~Notice of Violation~~ NOV identifying causes of the violation and corrective actions taken to prevent recurring violations is required within ~~two weeks~~ fourteen (14) days of the mailing date.

- 1. Violations which cause damage to the ~~collection system~~ Community Sewer and/or the ~~wastewater treatment plant~~ POTW, threaten health or safety, upset, or pass through the POTW ~~will be~~ are not ~~be~~ addressed by this ~~plan~~ ERP. Violations of this magnitude must be dealt with immediately and individually. The nature of the violation will play a significant role in determining the appropriate actions to be taken. The ~~Water Resources Manager~~ Pretreatment Program Coordinator will determine the appropriate response for these types of violations. All violations of federal or local limits, other than those of the magnitude discussed above, will be addressed as outlined in this ~~plan, and as shown on the flow chart~~ ERP.

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- ~~2.~~ All ~~NOV's~~NOVs are issued by the ~~Wastewater Superintendent~~Pretreatment Program Coordinator. All ~~NOV's~~NOVs are sent by mail or are hand-delivered. As a courtesy ~~users~~, Users may also be verbally notified of the violation. All ~~notices of violation~~NOVs require a response by the ~~user~~User. Users may respond with a compliance schedule detailing the steps which are required to ~~attain~~achieve compliance and the ~~time period~~schedule for completion of these steps. Alternatively, the ~~user~~User may determine the source of the violation, correct it, and send notice of what steps were taken to correct the condition which was causing the violation. The ~~user~~User has fourteen (14) days to respond to the NOV.
- ~~3.~~ ~~Once the user respond to the violation, The City will collect a second sample is collected within 7~~thirty (30) ~~days from the date the response was received to confirm compliance, but no more than 30 days from the date the first NOV was sent upon receiving notice that an initial sample result exceeded applicable discharge limits.~~ A ~~\$100 dollar~~ resample fee is charged to the ~~IU~~User. If second sample collected is in compliance, the ~~IU~~User returns to ~~the its~~ normal sampling schedule.

DEFINITIONS Cont.

- ~~compliance schedule.~~ If the second sample collected is in violation, a second ~~notice of violation~~ NOV with a ~~\$100 dollar~~ resample fee, is sent to the ~~IU~~User with a warning ~~stating~~ that a third violation will result in a \$1,000 administrative fine.

Significant Industrial User: ~~Significant Industrial User (SIU) includes all industrial dischargers of wastewater or process waters into the sewer system with any one of the following characteristics:~~

- a. ~~minimum or average flows of 10,000 gallons per day; or~~
- b. ~~the potential to contribute process wastestream that makes up to five percent (5%) or more of the average dry weather hydraulic or organic load (TSS; TOC/COD/BOD) of the treatment plant; or~~

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- ~~c. the reasonable potential, in the opinion of the Director of Public Works, his designee, or other approving authority, to adversely affect the treatment plant by inhibition, pass-through of pollutants, sludge contamination, or endangerment of workers in the wastewater collection and/or wastewater treatment facility.~~
- ~~d. Each SIU is sampled quarterly to determine compliance with local limits and any applicable federal categorical limits. SIU's are inspected at least twice per year. Typical businesses in this class include industrial laundries, hospitals, electroplaters, and printed circuit board manufacturers.~~

Significant-Non-categorical: Industrial Users (IUs) are those users who, in the process of manufacturing goods or processes, or providing a service, produce more than 50 gallons per day of process wastewater. Commonly users in this class have wastewater which has higher concentrations of pollutants than is commonly found in domestic wastewater. All IUs are sampled and inspected semi-annually. Typical businesses include commercial laundries, light manufacturing, and large photo processors.

Commercial Users (CUs) are those users which, in the process of providing goods or services, produce wastewater which contains metals, solvents or other pollutants of concern. These users are separated from the IUs by the volume of waste which they produce. Generally CUs produce less than 50 gallons of process wastewater each day. These users are monitored annually. Typical businesses in this category include photo processors, and doctors' and dentists' offices.

Other Users of Concern: (OUs): OUs are those which discharge compatible pollutants, but which have the capability to cause problems in the collection system Community Sewer or at the treatment plant POTW. Also included in this class are industries which perform manufacturing operations regulated under the federal categorical standards but do not discharge process water from these operations. These Users are inspected on a random basis. There is no minimum frequency for inspections, but ideally these Users will be inspected every one to three years.

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DEFINITIONS Cont.

~~don't discharge process water from these operations. These users are inspected on a random basis. There is no minimum frequency for inspections but ideally these users will be inspected every one to three years.~~

Sample Handling and Analysis: Samples are collected and analyzed in accordance with the requirements of 40 CFR Part 136. Samples taken for routine compliance checks are sent to ~~either the City water and wastewater~~ an approved laboratory ~~or a certified contract laboratory. The City laboratory is water certified and wastewater registered certificate number 1504.~~ Normal ~~turn around~~ turnaround time for routine samples is thirty (30) days. Samples collected in response to a complaint or where a violation is suspected may require a faster ~~turn around~~ turnaround time. This is available from all laboratories used for analysis. ~~Chain-of-custody forms~~ and procedures are used for all samples.

Toxic Pollutant: ~~Any of the pollutants listed under 40 CFR 401.15 "Toxic Pollutants. This section lists sixty-five pollutants and their compounds as toxic pollutants.~~

METHODS OF INVESTIGATION OF INSTANCES OF NON-COMPLIANCE

~~Environmental Compliance Inspectors shall perform random sampling and inspection of industrial users. Inspections and sampling of significant categorical and significant non-categorical industries (as defined by CFR 403) shall be conducted, at a minimum, twice per year. In addition, the Environmental Compliance Inspectors shall review industrial user self-monitoring reports, other required monitoring reports, and shall follow up to ensure that users are in compliance with Best Management Practices, and that compliance schedules and compliance deadlines are met.~~

Pretreatment Program Enforcement Response Plan

~~ERP ACTIVATION~~

~~An enforcement response will be initiated when any of the following events occurs:~~

- ~~1. Any violation of requirements of Title 16 of the Santa Barbara Municipal Code (Sewer System).~~

Significant Industrial User (SIU): An SIU includes all dischargers of wastewater or process waters into the sewer system with any one of the following characteristics:

- Has waste discharge subject to Categorical Pretreatment Standards; or
- Minimum or average flows of 25,000 gallons per day; or
- The potential to contribute process wastestream that makes up to five percent (5%) or more of the average dry weather hydraulic or organic load (TSS; TOC/COD/BOD) of the POTW; or
- Is designated by the City on the basis that the User:
 - Has reasonable potential, either individually or in combination with other contributing industries, for adversely affecting the POTW operation or the effluent quality from the POTW; or
 - May cause or threaten to cause the City to violate its NPDES permit; or
 - Has reasonable potential to violate any Pretreatment Standard; or
 - Has in its waste discharge a toxic pollutant.

The City classifies SIUs as Tier I dischargers that are required to obtain Wastewater Discharge Permits. SIUs are sampled quarterly to determine compliance with local limits and any applicable federal categorical limits and inspected at least twice per year. Typical businesses in this tier include industrial laundries, hospitals, electroplaters, and printed circuit board manufacturers.

Significant Noncompliance (SNC): SNC, as defined in 40 CFR 403.8(f)(2-
Any violation of Wastewater Discharge Permit requirements issued
by the City of Santa Barbara.

- ~~3. Any violation of the Ground Water Discharge Permit requirements of the City of Santa Barbara.~~

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- ~~4. Failure of an industry to meet (viii), is a compliance milestone/deadline.~~
- ~~5. Failure of an industry to report a violation of its permit.~~
- ~~6. Failures of an industry to keep required records and conduct self monitoring and/or reporting activities.~~
- ~~7. Violation of any Federal, State or Municipal requirements pertaining to wastewater discharge that the City of Santa Barbara has the duty to enforce.~~

~~FILE REVIEW AND ENFORCEMENT ANALYSIS~~

~~Upon discovery of any violation, the affected industrial user's Environmental Compliance file will be immediately reviewed. Based on the history of violations and efforts to maintain compliance, the violation will be classified as a Random Violation, a Pattern Violation or a Significant Violation.~~

~~**Random Violation:** any violation that exceeds a Federal, State, or City of Santa Barbara wastewater discharge limitation or compliance schedule deadline. Random violations will usually be a first or second offense and will not be severe or frequent enough to be classified as a Significant Violation or a Pattern Violation.~~

~~**Pattern Violation:** any violation, or set or series of random violations that is not severe or frequent enough to be classified as a Significant Violation, but which contributes to a pattern of non-compliance when viewed over a moving one (1) year period. Four (4) months, whether consecutive or not, of non-compliance due to Random Violations over a moving twelve (12) month period, shall automatically constitute a Pattern Violation.~~

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Significant Violation: ~~any violation, which by its impact, severity, or frequency of occurrence presents a hazard or nuisance to the publicly owned treatment works (POTW), the collection system, general public or the receiving environment. In accordance with the public participation requirements of 40 CFR part 25, a list of the names of all industrial users incurring Significant Violations during the previous twelve (12) months shall be published annually in a widely circulated newspaper published in the City of Santa Barbara. Significant Noncompliance by an industrial user means any incident or incidents of non-compliance with federal, state, or local wastewater discharge regulations which meets status in which one or more of the following criteria is found:~~

- ~~(A)~~—Chronic violations of wastewater ~~Discharge-discharge~~ limits, defined here as those in which 66 percent ~~(66%)~~ or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR ~~Part~~ 403.3(l);
- ~~(B)~~—Technical Review Criteria (TRC) violations, defined here as those in which 33 percent ~~(33%)~~ or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR ~~Part~~ 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TOC, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- ~~(C)~~—Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR ~~Part~~ 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative Standard) that has caused, alone or in combination with other discharges, ~~Interferenceinterference~~ or ~~Pass-Throughpass through~~ (including endangering the health of ~~WWTFPOTW~~ and ~~WW MainsCommunity Sewer~~, personnel, or the general public);

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- (D)—Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority ~~at 40CFR~~under 40 CFR Part 403.8-(f)-(1)(vi)(B) to halt or prevent such a discharge;
- (E)—Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F)—Failure to provide, within 45 days after the due date, required reports such as ~~baseline monitoring reports~~Baseline Monitoring Reports (BMR), 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G)—Failure to accurately report noncompliance;
- (H)—Any other violation or group of violations, which may include a violation of ~~Best Management Practices (BMP)~~BMPs, which the City determines will adversely affect the operation or implementation of the Pretreatment ~~program~~Program.

~~ENFORCEMENT PROCEDURES~~

The **Toxic Pollutant**: Any pollutant listed in 40 CFR Part 401.15 "Toxic Pollutants". This section lists sixty-five pollutants and their compounds as toxic pollutants.

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ERP ACTIVATION

Pretreatment Program staff shall perform random sampling and inspection of Users. Inspections and sampling of SIUs (as defined previously) shall be conducted, at a minimum, twice per year. For all other Users, inspection and sampling requirements will be defined in their User Wastewater Discharge Permits. Additionally, the Pretreatment Program Coordinator shall review User self-monitoring reports and other required monitoring reports to ensure that Users are in compliance with all permit requirements, including BMPs and reporting deadlines, and compliance schedules and deadlines are met.

An enforcement response will be initiated when any of the following events occurs:

- Any violation of the requirements of Title 16 of the City of Santa Barbara Municipal Code (Sewer System).
- Any violation of Wastewater Discharge Permit requirements issued by the City.
- Failure of a User to meet a compliance schedule/deadline.
- Failure of a User to report a violation of its Wastewater Discharge Permit.
- Failures of a User to keep required records and conduct self-monitoring and/or reporting activities.
- Violation of any Federal, State or Local requirements pertaining to wastewater discharge that the City has the duty to enforce.

Additionally, Chapter 16.14 of the City of Santa Barbara Municipal Code sets the legal authority for the City to assess administrative fines when any User has violated or continues to violate any provision of the Municipal Code, Wastewater Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement. Offense(s) deemed a violation of a Wastewater Discharge Permit or Chapter 16.14 of the City of Santa Barbara Municipal Code shall include without limitation:

- Denied right-of-entry or access to applicable records or conduct inspections or sampling. (Sections 16.08.021(D)(8), 16.08.021(I)(3), 16.08.040(A))
- Discharge of prohibited wastes. (Section 16.04.010)
- Discharge of drainage water or groundwater, except as approved by the Public Works Director. (Section 16.04.020)

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- Unreported/unauthorized bypass of pretreatment. (Sections 16.04.036, 16.08.014)
- Failure to install and maintain a sample port and/or a control manhole. (Section 16.08.030)
- Violation of Categorical Pretreatment Standards/Local Limits. (Section 16.04.100)
- Discharging to the Community Sewer without first securing a Wastewater Discharge Permit. (Section 16.08.021)
- Falsifying information. (Section 16.14.060)
- Failure to install or maintain a grease removal device. (Section 16.04.060)

Pretreatment Program Enforcement Response Plan

FILE REVIEW AND ENFORCEMENT ANALYSIS

Upon discovery of any violation, the affected User's Environmental Compliance file will be immediately reviewed.

Evaluating the Degree of Noncompliance

When considering the type of enforcement action to be taken, the ERG summarizes the range of enforcement actions that may be taken for a violation. Chapter 4.1 of the ERP Guidance discusses six criteria that the City should consider when determining a proper enforcement response. Enforcement action may be escalated when considering the six criteria for evaluating the degree of noncompliance.

When an enforcement action is increased over the minimum, written documentation will detail the reasons for the increased enforcement action. The six criteria for evaluating the degree of noncompliance are:

1. **Magnitude of the Violation.** Generally, an isolated instance of noncompliance can be met with an enforcement response listed in the ERG. However, since even an isolated violation could threaten public health and the environment, damage public and private property, or threaten the integrity of the Pretreatment Program, the enforcement response to this type of violation must be escalated to: 1) mitigate the violation quickly; 2) prevent a reoccurrence of the violation(s); 3) provide an appropriate level of response; and 4) provide for cost recovery as appropriate.
2. **Duration of the Violation.** Violations (regardless of severity) which continue over prolonged periods of time should subject the User to escalated enforcement actions. The City response to these situations must prevent extended periods of noncompliance from occurring.
3. **Effect of the Violation on the Receiving Water.** One of the primary objectives of the Pretreatment Program is to prevent pollutants from "passing through" the POTW and entering the receiving waters. Consequently, any violation which results in environmental harm warrants an escalated enforcement response. Environmental harm will be presumed whenever a User discharges a pollutant into the Community Sewer which:
 - a. **Passes through the POTW and causes a violation of the City's NPDES permit effluent limitations.**

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- b. Has a toxic effect on the receiving waters and causes a violation of the City's NPDES permit. The response should ensure recovery from the User of any NPDES permit-related fines and penalties paid by the City. Termination of service may also be considered for repeat violations.
4. **Effect of the Violation on the POTW.** Some violations may have negative impacts on POTW operations or personnel. These violations can result in increased treatment cost, upsets to treatment processes, interference, or harm POTW personnel or equipment. The response should ensure recovery from the User of any costs incurred by the POTW resulting from the violation, directly or indirectly.
5. **Compliance History of the User.** When evaluating the level of enforcement action to be taken for a violation, the compliance history of the User shall be reviewed. If a pattern of recurring violations for the same parameter is noted, then an escalated enforcement action may be warranted.
6. **Good Faith of the User.** The User's "good faith" effort in correcting its noncompliance is a factor in determining which enforcement action to take. "Good faith" maybe defined as the User's honest intention to remedy its noncompliance, coupled with actions which give support to this intention. However, "good faith" does not eliminate the necessity of an enforcement action.

Violation Classification

Based on the history of violations and efforts to maintain compliance, the violation will be classified as a Random Violation, a Pattern Violation or a Major Violation.

Random Violation: any violation that exceeds a Federal, State, or City wastewater discharge limitation, reporting deadline, or compliance schedule deadline. Random violations are usually the first or second offense, and will not be severe or frequent enough to be classified as a Major Violation or a Pattern Violation.

Pattern Violation: any violation, or set or series of random violations that is not severe or frequent enough to be classified as a Major Violation, but which contributes to a pattern of noncompliance when viewed over a moving one (1) year period. Four (4) months, whether consecutive or not, of noncompliance due to Random Violations over a moving twelve (12) month period, shall automatically constitute a Pattern Violation.

Major Violation: any occurrence of SNC, as defined previously, as well as any violation, which by its impact, severity, or frequency of occurrence presents a hazard or nuisance to the POTW, the Community Sewer, general public or the receiving

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environment. In accordance with the public participation requirements of 40 CFR Part 25, a list of the names of all Users incurring Major Violations during the previous twelve (12) months shall be published annually in a widely circulated newspaper published in the City of Santa Barbara.

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ENFORCEMENT PROCEDURES

The City uses a progressive enforcement policy designed to maintain a fair and equitable system for enforcement of environmental laws, to ensure that fines and penalties are proportionate to the violations, to provide maximum flexibility and effectiveness in enforcement actions, and to provide a system of escalating fines and penalties to encourage prompt compliance. Generally, Enforcement options follow either informal or formal enforcement will follow the Informal Enforcement sequence below. However, other procedures.

Other enforcement options may be pursued using the Formal Enforcement formal enforcement procedures below. Formal enforcement procedures are available through the plan of in Title 4 (General of the City of Santa Barbara Municipal Code Enforcement). This would. The formal enforcement procedures allow for a large degree of enforcement flexibility and a wide range of enforcement options to most efficiently gain compliance. Therefore, as deemed necessary, an enforcement action may be upgraded or escalated depending on the circumstances of the case.

Verbal Warning: A verbal warning, typically a telephone call, is usually the first step in the enforcement procedures. The City may verbally notify the User in the event the User is late in submitting required reports or applications, fails to install or properly maintain equipment, or discharges without a Wastewater Discharge Permit. If the User fails to correct the problem, further enforcement actions will be initiated. All verbal warnings are noted in the User's Environmental Compliance file.

First Notice of Violation: All violations are sent by mail or hand delivered. The The purpose of the First Notice of Violation NOV is to inform the offender User of the nature of the violation and establish a "self-imposed" compliance schedule which lists the events and dates on which various steps of progress shall take place. "Self-imposed" compliance schedules shall be limited so as to achieve compliance no later than thirty (30) days from date of issuance of the First Notice of Violation NOV. The written notice will require First NOV is sent to the industrial user User, either by mail or alleged violator hand-delivered, within seven (7) days of the City becoming aware of a violation.

The First NOV requires the User to file a written report with the City within fourteen (14) working days. The written report shall contain include an explanation of the cause of the violation, and a discussion of corrective actions taken to mitigate the violation and actions taken to prevent future similar violations. The Wastewater

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~~Superintendent~~Pretreatment Program Coordinator may extend the deadline up to a maximum of thirty (30) days for a total time period of sixty (60) days from the issuance date, due to extenuating circumstances or hardship.

Also, within thirty (30) days of becoming aware of a violation, the City will resample the User's discharge.

Second Notice of Violation and Resample Fee: A Second ~~Notice of Violation~~NOV will be sent to the ~~IU~~User, either by mail or hand-delivered, for the following reasons:

- (1) ~~IU didn't~~User did not respond ~~with in~~within fourteen (14-day) days from the date the ~~first violation~~First NOV was sent.
- (2) — If the sample results from the ~~sample collected for compliance of the first violation~~resampling event is in violation of any of the parameters listed in the ~~IU's~~User's Wastewater Discharge Permit. ~~A \$100 re-sample fee will be sent to the IU, regardless~~The City will require resample fees, as set by the sample results.
- (3)(2) ~~If an effluent sample is not collected with in 30 days~~City's Budget Resolution, from the ~~date of the first Violation~~User.
- (4)(3) For not meeting the ~~date lines~~deadlines on a compliance schedule.

All costs related to any violation status inspection, surveillance, sampling, laboratory analysis, and administration may be assessed directly to the ~~offender~~User. In addition this ~~Notice of Violation~~NOV may include civil penalties up to, but no greater than, ten thousand dollars per day (\$10,000 per day) for each violation of Title 16, of the City of Santa Barbara Municipal Code.

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Third Notice of Violation- and Resample Fee: The purpose of the Third ~~Notice of Violation~~NOV is to remind the ~~offender~~User of the violation and expected action. The Third ~~notice will reiterate~~NOV reiterates the information in the First and Second ~~Notice of Violation~~NOVs or will include a copy of the previous ~~notice~~NOVs and demand compliance within ~~(14)~~fourteen (14) days of the date of the Third ~~Notice of Violation~~NOV. The Third ~~Notice of Violation will contain~~NOV contains information as to the various enforcement options available to the City ~~of Santa Barbara~~ should compliance not be achieved within the deadline.

All City ~~of Santa Barbara~~ costs related to any violation status inspection, surveillance, sampling, laboratory analysis, and administration may be assessed directly to the ~~offender~~User. In addition this ~~Notice of Violation~~NOV may include civil penalties up to, but no greater than, ten thousand dollars per day (\$10,000 per day) for each violation of ~~Chapter~~Title 16-14.040, ~~of the~~ City of Santa Barbara Municipal Code.

~~A notice of violation~~An NOV assessing civil penalties or imposing any other monetary assessment may be appealed to the City Council in accordance with the provisions of Title 16- of the City of Santa Barbara Municipal Code. The City Council decision shall be final.

~~IU~~Users in Significant ~~Non-Compliance~~Noncompliance

In accordance with public participation requirements of 40 CFR Part 25 and Section 14.032 of the City of Santa Barbara Municipal Code, the City will publish annually a list of Users which, at any time during the previous twelve (12) months, were SNC. Further, in the event of non-compliance with the written Notice of Violation

~~The Environmental Control Inspector (usually a Water Resources Specialist)~~SNC, the Pretreatment Program Coordinator will consult with ~~either the Wastewater Superintendent or other department official~~the Public Works Director or his designee to initiate a formal method of enforcement ~~the IU will~~. The User may also be evaluated for legal enforcement and have the case referred to the City Attorney. Formal methods of enforcement include, but are not limited to:

- a. \$1,000.00 Fine;

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- b.● Cease and Desist Order;
- e.● Revocation of Permit;
- d.● Termination of Water & Sewer services; and/or
- e.● Civil or Criminal prosecution.

Pretreatment Program Enforcement Response Plan

ENFORCEMENT DUTIES

This section discusses the City staff that will be responsible for conducting enforcement actions for the Pretreatment Program. Responsibilities will be divided between the following persons:

- Pretreatment Program Coordinator;
- ~~f.~~• Public Notification (News Paper); Works Director, or his designee; and

~~ENFORCEMENT DUTIES OF THE WASTEWATER SUPERINTENDENT~~

- City attorney.

Pretreatment Program Coordinator

The Pretreatment Program Coordinator is the primary City staff person implementing the Pretreatment Program on a day-to-day basis and conducting enforcement ~~role of the Wastewater Superintendent is to ensure that the Enforcement Response Plan is followed in a timely and consistent manner. These duties or parts thereof may be delegated to Inspectors based upon work experience. To achieve this, the Wastewater Superintendent activities. The Pretreatment Program Coordinator~~ conducts the following duties:

- ~~• Reviews violations and makes a final determination on the level of enforcement to take. Ensures that compliance actions taken are consistent and timely.~~
- ~~• Signs routine enforcement actions. (NOV's)~~• ~~Reviews Industrial User's response letters to ensure the response adequately addresses compliance issues.~~
- ~~• Coordinates and moderates compliance meetings and the preparation of compliance schedules.~~
- ~~• Reviews Industrial User compliance history reports.~~
- ~~Compiles compliance reports for the semi-annual and annual pretreatment program compliance reports.~~

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- ~~Communicates and coordinates with tributary agencies and their respective Attorney's Office.~~
- ~~Deny~~Approves, denies, or conditions new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by ~~Industrial~~ Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.
- ~~Control~~Controls through a Wastewater Discharge Permit, order, or similar means, the contribution to the POTW by each ~~Industrial~~ User to ensure compliance with applicable Pretreatment Standards and Requirements.

~~ENFORCEMENT DUTIES OF ENVIRONMENTAL COMPLIANCE INSPECTORS~~

~~The primary enforcement role of the Environmental Compliance Inspector (Water Resources Specialist) is to identify violations, in a timely manner, and to assist the program with tracking of compliance issues and schedules. To achieve this, the Inspector conducts the following duties:~~

- Conducts inspections and sampling of Users.
- Tracks timely receipt of User self-monitoring reports (SMRs).
- Reviews monitoring (SMR and POTW) results and ~~verifies~~identifies discharge violations.
- ~~Verify Industrial~~Reviews User ~~has responded, in a timely manner,~~compliance history reports.
- Prepares and signs off on routine enforcement actions (up to Notice the First NOV).
- Coordinates and moderates compliance meetings and the preparation of ~~Violations~~compliance schedules.

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- ~~Tracks User's response to NOV's~~, Compliance Meetings, and Compliance Schedules.
 - ~~Assists in the preparation and running of compliance meetings.~~
 - Review This includes reviewing User's response letters to NOV's to ensure the response adequately addresses compliance issues. Reviews compliance meeting schedules and ~~ensure~~ensures that deadlines are ~~being~~ met.
 - ~~Prepare Quarterly~~Tracks all enforcement actions in a database.
 - Ensures that compliance ~~reports~~actions are consistent and timely.
 - Compiles compliance reports for the semi-annual and annual pretreatment program compliance reports.
-
- **Other** Provides recommendations for increased enforcement to the Public Works Director or his designee and/or the City Attorney. Prepared non-routine compliance letters, Administrative Orders and Citations.

Public Works Director

The primary duties of the Public Works Director, or his designee, with respect to the Pretreatment Program enforcement are to approve increased enforcement actions. The Public Works Director, or his designee, conducts the following duties:

- Signs off on enforcement actions beyond the First NOV.
- Communicates and coordinates with associated regulatory agencies.
- Prepares referrals with the City Attorney for legal action.

Duties of the ~~Inspector~~City Attorney

The primary duties of the ~~inspector~~ are to City Attorney with respect to the Pretreatment Program are to provide legal consultation as requested by the Pretreatment Coordinator

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or Public Works Director, or his designee, and process enforcement actions in a timely manner. To achieve this, the inspectorCity Attorney conducts the following duties:

- ~~• Review monitoring (SMR and POTW) results and identify discharge violations.~~
- ~~• Prepare routine enforcement actions and make recommendations to the Compliance Manager.~~
- ~~• Track Industrial User's response to Notices of Violations, Compliance Meetings, and Compliance Schedules.~~
- ~~• Review Industrial User's response letters to ensure the response adequately addresses compliance issues.~~
- ~~• Review compliance meeting schedules and ensure that deadlines are being met.~~
- ~~• Prepare non-routine compliance letters, Administrative Orders and Citations.~~
- ~~• Review Industrial User compliance history reports.~~
- ~~• Enters all enforcement actions into the Enforcement Action Database.~~

~~ENFORCEMENT RESPONSE GUIDE~~

- ~~• The Provides legal consultation as requested by the Pretreatment Program Coordinator or Public Works Director, or his designee.~~
- ~~• Assists with obtaining an administrative warrant to inspect or sample a facility, if consent for access was denied.~~

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- Oversees all referrals for civil litigation and City-initiated criminal investigations.

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ENFORCEMENT RESPONSE GUIDE

~~The~~ ERG) lists the routine types of noncompliance and the range of enforcement actions taken. These routine actions include Verbal Warnings, Warning Notices, ~~Notices of Violation~~ NOVs, Administrative Citations, and Compliance Meetings. This guide is a matrix, which describes violations and indicates ~~minimum~~ the range of enforcement actions that the City may take.

Prior to taking **any** enforcement action, beyond ~~Verbal Warnings, the inspector~~ the First NOV, the Pretreatment Program Coordinator must consult with the ~~Wastewater Treatment Superintendent (program manager). The program manager will~~ Public Works Director, or his designee, to ensure that the type of enforcement action proposed is consistent with the ~~enforcement response guide~~ ERG and ~~is~~ appropriate ~~to for~~ the level of violation.

If multiple violations for one or more parameters occur during a calendar day, the ~~U~~ User will only be issued one enforcement action, and all violations will be listed. If during an inspection multiple violations are discovered, over a number of days, those violations will be grouped by day and each group of violations will be issued an enforcement action.

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<u>Type of Violation</u> UNAUTHORIZED DISCHARGES	<u>Circumstances</u>	<u>Range of Response</u>	<u>Primary Personnel</u>
<u>UNAUTHORIZED DISCHARGE</u> <u>Type of Violation</u> [CR1]	Circumstances	Range of Response	Personnel
Discharges without <u>Wastewater Discharge</u> Permit	U aware CR2 <u>User</u> unaware of permit requirement – No harm to POTW <u>/environment</u>	Phone call <u>Verbal warning</u> NOV <u>w/ Pretreatment Application with User Wastewater Discharge Permit form</u>	ECI <u>WWSPPC</u>
	U aware <u>User</u> unaware of permit requirement – No harm to POTW <u>/environment</u>	<u>SNC</u> <u>Adm. Fine \$1,000</u> <u>Administrative order</u> <u>Administrative fine</u> <u>Civil Action</u>	ECI <u>PWD, CA</u>
	Failure to Submit Application continues after notification	Adm. Fine \$1,000 <u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u> <u>Civil Action</u> <u>action</u> <u>Criminal investigation</u>	<u>WRM</u> <u>WRM</u> <u>WRM</u> <u>WRMPWD, CA</u>

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		<u>Termination of service</u> Terminate Service	
Failure to submit renewal application	U User is less than 30 days late	Phone call <u>Verbal warning</u> NOV	<u>WWSPPC</u>
	U User is more than 30 days late	NOV SNC	<u>WRMPWD</u>
	U User fails to reapply after notification	<u>Adm. Fine \$1,000</u> <u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u> Civil Action <u>action</u> Criminal investigation <u>Termination of service</u> Terminate Service	<u>WRM</u> <u>WRM</u> <u>WRMPWD, CA</u>

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SAMPLING MONITORING AND REPORTING				
Type of Violation		Circumstances	Range of Response	Primary Personnel
Failure to submit BMR <u>DISCHARGE LIMIT VIOLATIONS</u>		1 within 30 days 2 more than 90 days	1. NOV 2. SNC	WWS WRM
Failure to Sample	IU Did not collect an effluent sample as required by the Wastewater Discharge Permit	NOV	WWS	
Monitoring Equipment O/S	1. Isolated 2. Frequent	NOV SNC	WWS WRM	
Monitoring sample in violation <u>Exceedance of the local or Federal Standard</u> (permit requirements)	IU must respond w/in 14 days from NOV date. <u>Random violation, not significant</u>	<u>Verbal warning</u> NOV <u>1st Notice</u> City <u>resample</u> <u>Resample fee</u>	WWS SICR3 <u>PPC</u>	

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<u>limit)</u>			
IU did not respond NOV w/in 14 days	Collect sample w/ 21 days from the 1st Violation (\$100 re-sample fee).	2nd NOV	WWS
IU did respond NOV w/in 14 days	Collect sample w/ 21 days from the 1st Violation (\$100 re-sample fee)	Initiate Time Schedule If needed	WWS
NOV Response Late more than 40 Days?	Collect sample w/ 30 days from the 1st Violation (\$100 re-sample fee)	SNG	WWS
Fail to meet Compliance	Collect sample w/ 30 days from the 1st Violation (\$100 re-sample fee)	1. More than 30 days Late NOV 2. More than 90 days Late SNG	WWS
			WRM

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Failure to install Monitoring Equipment	Delay less than 30 days	Phone call NOV	WWS
	Delay Over 30 days	SNC Publication Adm. Fine \$1,000 Civil Action Termination of service	WRM WRM WRM WRM WRM
Reporting Violation Compliance Schedule	Greater than 30 days delinquent	Phone Call NOV	WWS
	Recurring Late reports greater than 30 days	Adm. Fine \$1,000 Civil Action Termination of service	WRM WRM WRM
	Failure to report discharge	NOV City resample Resample fee	WWSPWD

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	limit Random, major violation, spill, upset, bypass or change discharge (no harm to POTW) <u>/ environment</u>	<u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u>	
	Failure to report discharge limit Random, major violation, spill, upset, bypass or change discharge (harm to POTW) <u>/ environment</u>	Adm. Fine \$1,000 <u>City resample</u> <u>Resample fee</u> <u>SNC</u> <u>Civil Actionaction</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>WRMPWD, CA</u>
	Repeated failure to report discharge limit violation, spill, upset, bypass or change discharge <u>Pattern violation; no harm to POTW/environment</u>	Adm. Fine \$1,000 <u>Civil Action</u> <u>City resample</u> <u>Resample fee</u> <u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u> <u>Termination of service</u>	<u>WRMPWD</u>
Failure to properly operate and maintain pretreatment equipment	No harm	Phone call NOV	<u>WWS</u>
	Results in Pattern,	Adm. Fine	<u>WRMPWD,</u>

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	<u>major violation:</u> harm to POTW/ <u>environment</u>	\$1,000 <u>City resample</u> <u>Resample fee</u> <u>SNC</u> <u>Administrative order</u> <u>Civil Action</u> <u>Criminal</u> <u>investigation</u> Termination of service	<u>CA</u>
	Results in harm to Personnel	Adm. Fine \$1,000 Civil Action Criminal investigation Termination of service	WRM

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<u>Type of Violation</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Primary Personnel</u>
<u>MONITORING AND REPORTING VIOLATIONS</u>			
<u>Reporting Violation (Baseline Monitoring Report, 90-day compliance reports, periodic self-monitoring reports, and progress reports for compliance schedules)</u>	<u>Report is improperly signed or certified</u>	<u>Verbal warning</u> <u>NOV</u>	<u>PPC</u>
	<u>Report is improperly signed or certified after notice by City</u>	<u>Administrative order</u>	<u>PWD</u>
	<u>Report is up to five (5) days late</u>	<u>Note, but no action</u>	<u>PPC</u>
	<u>Report is more than five (5) days late</u>	<u>Verbal warning</u>	<u>PPC</u>
	<u>Report is more than fifteen (15) days late</u>	<u>NOV</u>	<u>PPC</u>
	<u>Report is more than forty-five (45) days late</u>	<u>SNC</u>	<u>PPC</u>
	<u>Recurring late reports greater than forty-five (45) days or no reports at all</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Reporting Violation (failure to report discharge limit violation, spill, upset, bypass, or change in discharge)</u>	<u>No harm to POTW</u>	<u>NOV</u>	<u>PPC</u>
	<u>Harm to POTW</u>	<u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u>	<u>PWD, CA</u>
	<u>Repeated incidents</u>	<u>SNC</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Reporting Violation (falsification)</u>	<u>Filing false reports</u>	<u>SNC</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Failure to sample</u>	<u>User did not collect all samples required by the</u>	<u>NOV</u>	<u>PPC</u>

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<u>Type of Violation</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Primary Personnel</u>
<u>correctly</u>	<u>Wastewater Discharge Permit</u>		
	<u>Recurring incidents</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u>	<u>PWD, CA</u>
	<u>Improper sampling with evidence of intent</u>	<u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Failure to install monitoring equipment</u>	<u>Delay less than thirty (30) days</u>	<u>Verbal warning</u> <u>NOV</u>	<u>PPC</u>
	<u>Delay greater than thirty (30) days</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>
	<u>Recurring or violation of administrative order</u>	<u>Civil action</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>

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<u>Type of Violation</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Primary Personnel</u>
<u>COMPLIANCE RESPONSE VIOLATION</u>			
<u>Failure to meet compliance schedules</u>	<u>Missed milestone by less than thirty (30) days or will not affect final compliance schedule</u>	<u>NOV</u> <u>Administrative order</u> <u>Administrative fine</u>	<u>PPC, PWD, CA</u>
	<u>Missed milestone by more than thirty (30) days or will affect final compliance schedule (good cause for delay)</u>	<u>SNC</u> <u>Administrative order</u> <u>Administrative fine</u>	<u>PWD, CA</u>
	<u>Missed milestone by more than thirty (30) days or will affect final compliance schedule (no good cause for delay)</u>	<u>SNC</u> <u>Civil action</u> <u>Termination of service</u>	<u>PWD, CA</u>
	<u>Recurring violation or violation of administrative order schedule</u>	<u>SNC</u> <u>Civil action</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Failure to respond to NOVs</u>	<u>User did not respond to 1st NOV within fourteen (14) days</u>	<u>2nd NOV</u>	<u>PWD, CA</u>
	<u>User did not respond to 2nd NOV within fourteen (14) days</u>	<u>3rd NOV</u>	<u>PWD, CA</u>
	<u>User did not respond to 2nd NOV within fourteen (14) days</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u> <u>Criminal investigation</u> <u>Termination of service</u>	<u>PWD, CA</u>

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<u>Type of Violation</u>	<u>Circumstances</u>	<u>Range of Response</u>	<u>Primary Personnel</u>
<u>OTHER PERMIT VIOLATION</u>			
<u>Failure to properly operate and maintain pretreatment equipment</u>	<u>Results in no harm</u>	<u>Verbal warning</u> <u>NOV</u>	<u>PPC</u>
	<u>Results in harm</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>Wastestream diluted in lieu of treatment</u>	<u>Initial violation</u>	<u>Administrative order</u> <u>Administrative fine</u>	<u>PWD, CA</u>
	<u>Recurring incidents</u>	<u>Termination of service</u>	<u>PWD, CA</u>
<u>Failure to mitigate noncompliance or halt production</u>	<u>Results in no harm</u>	<u>Verbal warning</u> <u>NOV</u>	<u>PPC</u>
	<u>Results in harm</u>	<u>Administrative order</u> <u>Administrative fine</u> <u>Civil action</u> <u>Termination of service</u>	<u>PWD, CA</u>
<u>VIOLATIONS DETECTED DURING SITE VISITS</u>			
<u>Entry denial</u>	<u>Entry denied, consent withdrawn, or copies of records denied</u>	<u>Obtain warrant and return to User facility</u>	<u>PWD, CA</u>
<u>Illicit discharge</u>	<u>No harm to POTW or environment</u>	<u>Administrative order</u> <u>Administrative fine</u>	<u>PWD, CA</u>
	<u>Harm to POTW or environment</u>	<u>Civil action</u> <u>Criminal investigation</u>	<u>PWD, CA</u>
	<u>Recurring or violation of administrative order</u>	<u>Termination of service</u>	<u>PWD, CA</u>

Notes to Enforcement Response Guide:

PPC = Pretreatment Program Coordinator; PWD = Public Works Director; CA = City Attorney